



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

June 18, 2008

S. 2774

Federal Judgeship Act of 2008

As ordered reported by Senate Committee on the Judiciary on May 15, 2008

SUMMARY

S. 2774 would increase the number of federal circuit court judges by 14 and the number of federal district court judges by 52. Based on information from the Administrative Office of the United States Courts (AOUSC), CBO estimates that enacting S. 2774 would increase direct spending by \$107 million over the 2009-2018 period for the salaries and benefits of additional federal circuit and district court judges.

CBO estimates that discretionary expenditures for support staff and office space associated with each judgeship would cost \$188 million over the 2009-2013 period, subject to appropriation of the necessary funds.

S. 2774 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 2774 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

By Fiscal Year, in Millions of Dollars												
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2009-2013	2009-2018
CHANGES IN DIRECT SPENDING												
Circuit Courts of Appeals												
Judgeships												
Estimated Budget Authority	0	1	3	3	3	3	3	3	3	3	10	25
Estimated Outlays	0	1	3	3	3	3	3	3	3	3	10	25
District Court Judgeships												
Estimated Budget Authority	0	2	10	10	10	10	10	10	10	10	32	82
Estimated Outlays	0	2	10	10	10	10	10	10	10	10	32	82
Total Changes												
Estimated Budget Authority	0	3	13	13	13	13	13	13	13	13	42	107
Estimated Outlays	0	3	13	13	13	13	13	13	13	13	42	107
CHANGES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	11	36	52	44	45	46	48	49	50	52	190	436
Estimated Outlays	10	32	51	44	45	46	48	49	50	52	188	433

BASIS OF ESTIMATE

CBO estimates that enacting S. 2774 would increase direct spending and spending subject to appropriation as discussed in the following sections. For this estimate, CBO assumes that provisions of S. 2774 will take effect on January 21, 2009, as specified in the bill, and that additional judges authorized by the bill will be confirmed during 2010.

Direct Spending

CBO estimates that enacting S. 2774 would increase direct spending by \$107 million over the 2009-2018 period for additional circuit and district court judges appointed under Article III of the Constitution. Salaries and benefits of Article III judges are provided annually without the need for discretionary appropriations. Thus, increases in such compensation would increase direct spending.

Circuit Courts of Appeals Judgeships. S. 2774 would authorize 12 additional federal circuit court judgeships in several circuit courts of appeals. The bill also would authorize two temporary circuit court judges in the ninth circuit court of appeals. Under the bill, the first two vacancies that occur in that circuit more than 10 years after the initial confirmation

of those positions would not be filled. Based on the current-law salaries of circuit court judges (about \$180,000) and information from the AOUSC on the benefits of federal judges, CBO estimates that the mandatory pay and benefits for 14 additional circuit court judges would total about \$3 million a year once all judges have been confirmed. As a result, those circuit court provisions would increase direct spending by \$25 million over the 2009-2018 period.

District Court Judgeships. S. 2774 would authorize an additional 38 permanent and 14 temporary district court judgeships in several judicial districts. For the temporary judgeships authorized under the bill, the first vacancy that occurs more than 10 years after the initial confirmation of those positions would not be filled. Based on the current-law salaries of district court judges (about \$169,000), as well as information from the AOUSC on the benefits of federal judges, CBO estimates that the mandatory pay and benefits for 52 additional district court judges would total about \$10 million a year once all judges have been confirmed. As such, those district court provisions would increase direct spending by \$82 million over the 2009-2018 period.

S. 2774 also would make permanent temporary judgeships in Hawaii, Kansas, Arizona, New Mexico, and the eastern district of Missouri. In addition, under the bill, any vacancy that occurs for an existing federal judgeship in the northern district of Ohio would continue to be filled for an additional 10 years. CBO cannot predict whether a judicial vacancy would occur in those districts under current law during the 2009-2018 period. Therefore, this estimate does not include any possible increases in direct spending resulting from those provisions. Those judges are each currently paid about \$169,000 a year.

Spending Subject to Appropriation

Based on information from AOUSC, CBO estimates that implementing S. 2774 would cost \$188 million over the 2009-2013 period for administrative support and office space for new judges. Of that amount, about \$50 million would be incurred in the first few years for start-up costs, including office construction, furniture, and law books. The remaining amount—\$138 million—would be for annual expenditures (about \$600,000 per judge) for administrative needs, such as support staff and court operations.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 2774 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

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